

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MELISSA OSTRANDER,
Plaintiff

v.

HUSSMANN CORPORATION,
Defendant

CIVIL ACTION NO. 04-30197-MAP

AFFIDAVIT OF MOVANT'S COUNSEL IN
SUPPORT OF MOTION FOR REASONABLE ATTORNEY'S FEES
RE: MAGISTRATE JUDGE NEIMAN'S ORDER OF 1/12/05

John B. Stewart, having been duly sworn, deposes and says as follows:

1. I am of counsel of record for the defendant. This affidavit sets forth attorney's fees incurred to obtain full compliance with the defendant's records subpoena issued to non-party Massachusetts Retail Merchants Insurance Company.

2. The time incurred was as follows:

12/7-12/8/04 (1.0 hr.)

Review Atty. Leal's cover letter and documents produced to attempt to evaluate which documents withheld under blanket objection.

12/9/04 (.7 hr.)

Review previous correspondence to MRM, Draft letter to Atty. Leal under LR 37.1 challenging objections and lack of compliance with FRCP.

12/21/04 (4.0)

Gather cases for Appendix, Draft Motion to Compel MRM, Draft Memorandum in Support, Draft Affidavit, Coverletter to clerk.

3. Therefore, the defendant incurred reasonable attorney's fees in the amount of \$855 (5.7 hrs. @ \$150 per hour) in moving to compel deponent, MRM, to fully comply with records subpoena.


4. I served a copy of the court's January 12, 2005 order to MRM's counsel on January 15, 2004 by mail and by fax.

SWORN AND SUBSCRIBED UNDER THE PAINS AND PENALTIES OF PERJURY
THIS 17th DAY OF JANUARY, 2005.


JOHN B. STEWART

CERTIFICATE OF SERVICE

I certify that a true copy of the within document was served upon each other party or counsel of record by mail on January 17, 2005.


JOHN B. STEWART
MORIARTY, DONOGHUE & LEJA, P.C.
1331 Main Street
Springfield, MA 01103
(413) 737-4319